

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Latonya A. Thompson,)
)
Plaintiff,) Civil Action No.: 0:09-cv-01913-TLW
)
vs.)
)
Carolyn W. Colvin,)
Acting Commissioner of Social)
Security,)
)
Defendant,)
_____)

ORDER

On April 1, 2013, counsel for the Plaintiff, Latonya A. Thompson (“plaintiff”), filed a motion for attorney’s fees and costs pursuant to the Social Security Act, 42 U.S.C. § 406(b). (Doc. #26). In the motion, counsel for the plaintiff requests reimbursement for representation provided in the above-captioned case in the amount of \$16,944.25. (Doc. #26).

As required by 42 U.S.C. § 406(b), the amount requested by counsel is not greater than twenty-five percent (25%) of the past-due benefits recovered by plaintiff. Counsel for the Commissioner of Social Security (“Commissioner”) filed a Response to the Motion on May 6, 2013 in which she states that she has no position regarding plaintiff’s request for an award of attorney’s fees under § 406(b). (Doc. #29). The Court has reviewed the motion, counsel’s fee petition, and the accompanying fee agreement and finds that the request for fees is reasonable.

Accordingly, **IT IS ORDERED** that plaintiff’s Motion for Attorney’s Fees (Doc. #26) pursuant to the Social Security Act, 42 U.S.C. § 406(b), be and hereby is **GRANTED** in the amount of \$16,944.25.

The Court notes that counsel for plaintiff was also awarded fees in this action in the amount of \$6,774.29 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). As plaintiff's counsel acknowledged in the Memorandum in Support of Motion for Attorney's Fees (Doc. #26-1 at 1–2), the prior EAJA award of \$6,774.29 must be returned to the plaintiff pursuant to Gisbrecht v. Barnhart, 535 U.S. 789, 795–98 (2002).

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

May 29, 2013
Columbia, South Carolina